

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

44-211

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing, preventing eviction and meeting is also available to meet the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.(Continued)

.511 (Continued)

- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation of human beings; or
- (d) ~~And it~~ It has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties; or
- (e) It receives a pay rent or quit notice. (Continued)

.512 (Continued)

.525 (Continued)

- (a) (Continued)

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- (1) Effective ~~July 22, 1999~~ July 12, 2006, the amount is \$~~40~~65.

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- (b) (Continued)

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- (2) Effective ~~July 22, 1999~~July 12, 2006, the amount for the fifth and each additional member of an AU shall be ~~\$10.00~~15.00, for a maximum of \$125 a day.

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.526 (Continued)

- (a) (Continued)

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- (1) Example:

The AU receives three days of temporary shelter assistance in the amount of ~~\$120~~195. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

- (2) Example:

The AU receives three nights of temporary shelter in the amount of ~~\$120~~195. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

- (3) Example:

The AU receives ~~\$120~~195 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows ~~\$130~~205 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

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.53 Permanent Housing

The once-in-a-lifetime permanent housing payments, with exceptions (see Section 44-211.541), is available to assist homeless recipient AUs in obtaining or retaining permanent housing.

.531 Permanent housing payments are available to:

- (a) Help homeless families secure a permanent residence; or
- (b) Pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the Total Monthly Household Income (TMHI), as defined in Section 44-211.534(b).

~~.534.~~.532 A nonrecurring special need payment for permanent housing assistance to secure a permanent residence shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's ~~MAP~~TMHI, without special needs, for an AU of that size.

- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its ~~MAP~~TMHI, Section 44-211.532 above shall not apply.
- (b) (Continued)
 - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the ~~MAP~~TMHI.

.533 A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.

- (a) In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:
 - (1) The AU must provide proof of pending eviction such as "notice to pay rent or quit";
 - (2) The AU must show that the eviction is a result of verified financial hardship and not a result of other lease or rental violations;
 - (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;
 - (4) The financial hardship resulting in the AU's eviction must also render the AU homeless in accordance with MPP Section 44-211.511.

- (b) It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and must be made after a careful assessment of the unique facts presented in each case.

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- (1) Examples of expenses that might cause the AU to experience financial hardship include, but are not limited to:

- High hospital bills not covered by Medi-Cal.
- Car repairs.
- Funeral expenses.
- Cost required traveling to visit an ill or dying relative or to attend a funeral.
- High utility bills resulting from unforeseen circumstances, such as weather extremes.
- Loss of wages due to illness of self or family members.

- (2) Example of reasons that might cause financial hardship for an AU that would not be considered a result of extraordinary circumstances beyond the AU's control include, but are not limited to:

- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
- Failure to budget appropriately.
- Paying off regular credit card debts.

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- (c) The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI.
- (d) If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.
- (e) The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these

arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

.534 Definitions

- (a) “Income” means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, CalWORKs Special Need payments, or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). An AU’s Food Stamp benefits do not count as income and are not included in the TMHI.
- (b) “Total Monthly Household Income” means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU’s grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or drug/fleeing felon status.
- (1) When an AU has asked to add a new person to their AU mid-quarter, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.
- (2) If the AU has reported that an AU member has left the home mid-Quarter, and that person’s income will no longer be available to help the AU pay rent, that person’s income shall not be included as part of the AU’s TMHI for Permanent HA.
- (3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family’s total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

~~.532~~.535 (Continued)

- (b) That portion of the security deposit payment, available for last month’s rent shall not exceed 80 percent of the AU’s ~~MAP~~TMHI, without special needs, for an AU of that size. (Continued)

~~.533.536~~ The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.~~532535~~.

~~.534.537~~ (Continued)

- (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's ~~MAPTMHI~~. (Continued)

~~.535.538~~ (Continued)

~~.536.539~~ (Continued)

Authority Cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(B); 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii), (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, ~~CFR 234.60(a)(2) (11)~~, and 45 CFR 400.52; and 42 U.S.C.A., Section 606(b).